



00862.021808

PATENT APPLICATION

#10/Election
12-17-02
C Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TOSHIHIKO MIYAZAKI ET AL.

Application No.: 09/705,957

Filed: November 6, 2000

For: IMAGE FORMATION
APPARATUS

Examiner: E. M. Gemmell

Group Art Unit: 2882

November 25, 2002

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT

Sir:

This Response is filed in response to the Office Action (Paper No. 9) dated October 23, 2002, which set forth a one month period for reply ending on Sunday, November 23, 2002. In response to that Office Action, Applicants provisionally elect, without traverse, Group I (Claims 1, 2, 23-25, and 40), and Species 2, upon which Claims 23-25 and 40 read, for initial prosecution on the merits.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 25, 2002.

(Date of Deposit)

FRANK A. DeLUCIA

(Name of Attorney for Applicant)

Frank A. DeLucia
Signature

November 25, 2002

Date of Signature

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For the record, Applicants note that the Office Action includes a number of apparent errors. For example, the Office Action incorrectly lists Group "VII" twice on page 2 (it appears that the second listing should read "VIII" instead). Also, Claim 25 is not mentioned explicitly as belonging to any of the Groups listed on page 2 of the Office Action. However, page 4 of the Office Action discusses Claim 25 as belonging to Species 2 of Group I. Also, the reference to Claim "34" in the description of Group II on page 2 of the Office Action apparently should refer to Claims 3 and 4 instead, since Claims 3 and 4 are not otherwise mentioned on page 2 and Claim 34 already is indicated as belonging to Group VIII.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants

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